



**ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-9705-4]**

**Delegation of Authority to Implement and Enforce Outer Continental Shelf Air Regulations to the Virginia Department of Environmental Quality**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of delegation of authority.

**SUMMARY:** On February 2, 2012, EPA sent the Virginia Department of Environmental Quality (VADEQ) a letter acknowledging VADEQ will be delegated the authority to implement and enforce sections of the Outer Continental Shelf (OCS) Air Regulations. To inform regulated facilities and the public of VADEQ's delegation of authority to implement and enforce OCS regulations, EPA is making available a copy of EPA's letter to VADEQ through this notice.

**DATES:** On February, 2, 2012, EPA sent VADEQ a letter acknowledging that VADEQ will be delegated the authority to implement and enforce OCS.

**ADDRESSES:** Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Cathleen Kennedy, (215) 814-2746, or by e-mail at [kennedy.cathleen@epa.gov](mailto:kennedy.cathleen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

On October 7, 2011, VADEQ requested delegation of authority to implement and enforce Title 40 of the Code of Federal Regulations, Part 55 (Outer Continental Shelf Air Regulations). On February 2, 2012, EPA sent VADEQ a letter acknowledging that VADEQ will be delegated the authority to implement and enforce OCS regulations. A copy of EPA's letter to VADEQ follows:

"Mr. David K. Paylor  
Director  
Virginia Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

Dear Mr. Paylor:

Thank you for your October 7, 2011 letter to the U.S. Environmental Protection Agency (EPA) requesting formal delegation of authority to implement and enforce the requirements of the Outer Continental Shelf (OCS) Regulations within 25 miles of Virginia's seaward boundary. In response, EPA intends to grant the Virginia Department of Environmental Quality (DEQ) formal delegation of authority to implement and enforce OCS Regulations, pursuant to section 328(a)(3) of the Clean Air Act. As established in the Code of Federal Regulations, Title 40, Part 55 (40 CFR Part 55), EPA will delegate implementation and enforcement authority to a State if the State has an adjacent OCS source, and EPA determines that the State's regulations are adequate. EPA has determined that delegation to DEQ shall be immediately effective upon

EPA's receipt of a notice of intent (NOI) to construct an OCS source to be adjacent to the Commonwealth of Virginia (Virginia).

The delegation will include the authority for the following sections of 40 CFR Part 55, as exists on September 19, 2011:

- 55.1 Statutory authority and scope.
- 55.2 Definitions.
- 55.3 Applicability.
- 55.4 Requirements to submit a notice of intent.
- 55.6 Permit requirements.
- 55.7 Exemptions.
- 55.8 Monitoring, reporting, inspections, and compliance.
- 55.9 Enforcement.
- 55.10 Fees.
- 55.13 Federal requirements that apply to OCS sources.
- 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.
- 55.15 Specific designation of corresponding onshore areas.
- Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State.

EPA is not delegating the authority to implement and enforce 40 CFR Part 55.5 (Corresponding onshore area designation), 55.11 (Delegation), and 55.12 (Consistency updates), as authority for these sections is reserved for the Administrator. As stated in 40 CFR Part 55.11(b), EPA shall delegate implementation and enforcement authority if determined that the State's regulations are adequate, including a demonstration by the State that the State has:

- (1) adopted the appropriate portions of 40 CFR Part 55 into State law;
- (2) submitted a letter from the State Attorney General confirming that Virginia has adequate authority under the State law to implement and enforce the relevant portions of 40 CFR Part 55;
- (3) adequate resources to implement and enforce the requirements of 40 CFR Part 55; and
- (4) adequate administrative procedures to implement and enforce the requirements of this part, including public notice and comment procedures.

EPA has reviewed DEQ's delegation request and concludes that it meets the requirements for delegation. Therefore, delegation will be effective on the date EPA receives a NOI of constructing an OCS source adjacent to Virginia. On this date, DEQ will automatically be authorized to implement, enforce, and administer the sections of 40 CFR Part 55 listed above for the OCS sources in which Virginia will be the corresponding onshore area.

I appreciate DEQ's efforts to implement the OCS regulations and look forward to working with you to foster the growth of alternative energy projects in Virginia. If you have any questions, please do not hesitate to contact me or have your staff contact Ms. Laura Mohollen, Virginia Liaison, at 215-814-329.

Sincerely,

Shawn M. Garvin  
Regional Administrator”

This notice acknowledges the delegation of authority to VADEQ to implement and enforce  
OSC Air Regulations.

Dated: July 10, 2012.

W. C. Early,  
Acting Regional Administrator,  
Region III.

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